



SEP 8 1999

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Patent Cooperation Treaty Legal Office

# 9

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

KNOBBED, MARTENS, OLSON & BEAR  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH, CA 92660

In re Application of  
RUTH LAUB et al.  
U.S. Application No.: 08/765,837  
PCT Application No.: PCT/BE95/00068  
Int. Filing Date: 14 July 1995  
Priority Date: 14 July 1994  
For: ANTIGENIC POLYPEPTIDE SEQUENCE  
OF FACTOR VIII, AND  
FRAGMENTS AND/OR EPITOPES  
OF THIS SEQUENCE

DECISION ON PETITION UNDER  
37 CFR 1.182

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371. This is also in response to applicants' PETITION UNDER 37 C.F.R. §1.182, received via facsimile on 26 August 1999, to correct the international application number along with the appropriate petition fee.

On 14 July 1995, applicants filed international application No. PCT/BE95/00068, which claimed a priority date of 14 July 1994 and which designated the United States.

On 28 September 1995, a Demand was filed with the International Preliminary Examining Authority electing the United States. As a result the deadline for payment of the basic national fee was extended to expire 30 months from the priority date, or on 14 January 1997.

On 14 January 1997, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an alleged English translation of the international application. The transmittal letter referenced international application number PCT/BE95/00063. It should have referenced international application number PCT/BE95/00068.

On 07 September 1997, an inaccurate Notification of Missing Requirements was mailed to applicants indicating that an oath or declaration and surcharge was required. The Notification should have indicated that the translation was incomplete because Figures 2-5 contained French language rather than an English translation.

On 17 December 1997, a NOTIFICATION OF ACCEPTANCE (FORM PCT/DO/EO 903) was improperly mailed to applicants. A review of the translation filed on 14 January 1997 reveals that the translation provided by applicants was incomplete. Figures 2-5 contained the label "Valeur surface" on the ordinate axis, which was not translated from French to English. The word "Valeur" is not found in the English dictionary. Therefore, the 17 December 1997 Notification of Acceptance (FORM PCT/DO/EO 903) is hereby **VACATED**.

After a telephone call from Cynthia Kratz of this Office, counsel for applicants filed, via facsimile (received on 26 August 1999) and hand delivery received on 07 September 1999, a Petition under 37 C.F.R. §1.182 requesting correction of the incorrect international application number to PCT/BE95/00068. Applicants also filed replacement figures 2-5 with English translation. A processing fee of \$130 for filing the English translation of the international application after the thirty month period is required and will be charged to applicants' deposit account no.11-1410 per applicants' authorization.

Applicants' petition to correct the international application no. to **PCT/BE95/00068** is **GRANTED**. The translation of Figures 2-5 of the international application is accepted.

The application has an international filing date of 14 July 1995 under 35 U.S.C. 363 and a 35 U.S.C.102(e) and 371(c) date of **07 September 1999**.

This application is being forwarded to the United States Designated/Elected Office for preparation and mailing of a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) in accordance with this decision and for the preparation and mailing of a corrected filing receipt indicating that this application is a national stage of PCT/BE95/00068, filed on 14 July 1995. The application will then be forwarded to the appropriate Technology Center for examination in due course.



Leonard E. Smith  
Legal Examiner  
PCT Legal Office

CMK/LES:cmk



Cynthia M. Kratz  
Petitions Attorney  
PCT Legal Office

Telephone: (703)306-5467